

Notice of Allowability

Application No.

10/822,909

Applicant(s)

NELSON ET AL.

Examiner

Art Unit

Jordan M. Schwartz

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 8/23/06.
2. ☒ The allowed claim(s) is/are 1,2,4-7,10,29,33,34,49-51,54 and 57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Allowed Claims: 1-2, 4-7, 10, 29, 33-34, 49-51, 54, 57.

Examiner's Amendment/Reasons for Allowance

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Brennan on October 17, 2006.

The application has been amended as follows:

1. Claim 49, line 4, after "pipes" insert --wherein each light pipe is associated with a separate segment to be lit--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, in reference to independent claim 1, none of the prior art either alone or in combination disclose or teach of the claimed method of displaying performance information on athletic eyewear, specifically including, as the distinguishing features in combination with the other limitations, the claimed embedding a plurality of light up segments and a plurality of light pipes in the lens to form a segment display with each light pipe associated with a separate segment to be lit. Specifically, in reference to independent claim 4, none of the

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prior art either alone or in combination disclose or teach of the claimed method of displaying performance information on athletic eyewear, specifically including, as the distinguishing features in combination with the other limitations, the claimed pouring resin in a mold and suspending a plurality of light up segments and a plurality of light pipes in the resin prior to hardening with each light pipe associated with a separate segment to be lit. Specifically, in reference to independent claim 29, none of the prior art either alone or in combination disclose or teach of the claimed athletic eyewear capable of displaying information, specifically including, as the distinguishing features in combination with the other limitations, the claimed plurality of light up segments and plurality of light pipes embedded within the lens to form a segment display with each light pipe associated with a separate segment to be lit. Specifically, in reference to independent claim 33, none of the prior art either alone or in combination disclose or teach of the claimed athletic eyewear capable of displaying information, specifically including, as the distinguishing features in combination with the other limitations, the claimed display comprising a plurality of light up segments and plurality of light pipes with each light pipe associated with a separate segment to be lit and wherein an end of each light pipe is attached to a shutter. Specifically, in reference to independent claim 49, none of the prior art either alone or in combination disclose or teach of the claimed method of displaying performance information on athletic eyewear, specifically including, as the distinguishing features in combination with the other limitations, the claimed forming a segment display from a plurality of light up segments and a plurality of

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light pipes with each light pipe associated with a separate segment to be lit and attaching the display to one or more lens of an article of athletic eyewear.

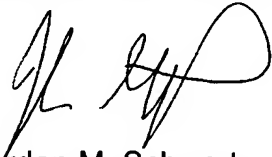
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jordan M. Schwartz
Primary Examiner
Art Unit 2873
October 18, 2006

Approved by
the examiner
of



Fig. 1